



House of Representatives

General Assembly

File No. 441

February Session, 2018

Substitute House Bill No. 5422

House of Representatives, April 12, 2018

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VOTING RIGHTS AND PRIMARY DAY ELECTOR REGISTRATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-19j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in [this subsection and subsections (b) to (i), inclusive,
4 of] this section, "election day" means the day on which a regular
5 election, as defined in section 9-1, is held, "primary day" means the day
6 on which a primary, as defined in section 9-372 or 9-463, as applicable,
7 is held, "election day registration" means admission as an elector on
8 election day and "primary day registration" means both admission as
9 an elector and enrollment in a political party holding a primary on
10 primary day.

11 (b) Notwithstanding the provisions of this chapter, a person who (1)
12 is (A) not an elector, or (B) an elector registered in a municipality who

13 wishes to change his or her registration to another municipality
14 pursuant to the provisions of subdivision (2) of subsection (e) of this
15 section, and (2) meets the eligibility requirements under subsection (a)
16 of section 9-12, may apply for admission as an elector on election day,
17 or for both admission as an elector and enrollment in a political party
18 holding a primary on primary day, pursuant to the provisions of
19 [subsections (a) to (i), inclusive, of] this section.

20 (c) (1) The registrars of voters shall designate a location for the
21 completion and processing of election day registration applications on
22 election day and primary day registration applications on primary
23 day, provided the registrars of voters have access to the state-wide
24 centralized voter registration system from such location.

25 (2) The registrars of voters may appoint one or more election
26 officials or primary officials, as applicable, to serve at such location
27 and may delegate to such election or primary officials any of the
28 responsibilities assigned to the registrars of voters. The registrars of
29 voters shall supervise such election or primary officials and train such
30 election or primary officials to be election day registration election
31 officials or primary day registration primary officials.

32 (d) Any person applying [to register] for admission as an elector on
33 election day, or for both admission as an elector and enrollment in a
34 political party holding a primary on primary day, under the provisions
35 [of subsections (a) to (i), inclusive,] of this section shall make
36 application in accordance with [the provisions of] section 9-20,
37 provided (1) on election day or primary day, the applicant shall appear
38 in person at the location designated by the registrars of voters for
39 election day registration or primary day registration, (2) an applicant
40 who is a student enrolled at an institution of higher education may
41 submit a current photo identification card issued by [said] such
42 institution in lieu of the identification required by section 9-20, and (3)
43 the applicant shall declare under oath that the applicant has not
44 previously voted in [the] any election or primary held that day. If the
45 information that the applicant is required to provide under section 9-

46 20 and [subsections (a) to (i), inclusive, of] this section does not include
47 proof of the applicant's residential address, the applicant shall also
48 submit identification that shows the applicant's bona fide residence
49 address, including, but not limited to, a learner's permit issued under
50 section 14-36 or a utility bill that has the applicant's name and current
51 address and that has a due date that is not later than thirty days after
52 the election or primary, as applicable, or, in the case of a student
53 enrolled at an institution of higher education, a registration or fee
54 statement from such institution that has the applicant's name and
55 current address.

56 (e) If the registrars of voters determine that an applicant satisfies the
57 application requirements set forth in subsection (d) of this section, the
58 registrars of voters shall check the state-wide centralized voter
59 registration system before admitting such applicant as an elector on
60 election day, or before both admitting such applicant as an elector and
61 enrolling such applicant in a political party holding a primary on
62 primary day.

63 (1) If the registrars of voters determine that the applicant is not
64 already an elector, the registrars of voters shall admit the applicant as
65 an elector and the privileges of an elector shall attach immediately. On
66 primary day, the registrars of voters shall also enroll the applicant in
67 the political party holding a primary of such applicant's preference and
68 the privileges of party enrollment shall attach immediately.

69 (2) If the registrars of voters determine that such applicant is an
70 elector in another municipality and such applicant states that he or she
71 wants to change the municipality in which the applicant is an elector,
72 notwithstanding the provisions of section 9-21, the registrars of voters
73 of the municipality in which such elector now seeks to register shall
74 immediately notify the registrars of voters in such other municipality
75 that such elector is changing the municipality in which the applicant is
76 an elector. The registrars of voters in such other municipality shall
77 notify the election officials in such municipality to remove such elector
78 from the official voter list and, if applicable, any enrollment list of such

79 municipality. Such election officials shall cross through the elector's
80 name on such official voter list and, if applicable, enrollment list and
81 mark "off" next to such elector's name on such official voter list and, if
82 applicable, enrollment list.

83 (A) If it is reported that such applicant already voted in such other
84 municipality, the registrars of voters of such other municipality shall
85 immediately notify the registrars of voters of the municipality in which
86 such elector now seeks to register. In such event, such elector shall not
87 receive an election day registration ballot or a primary day registration
88 ballot, as applicable, from the registrars of voters of the municipality in
89 which such elector now seeks to register. For any such elector, the
90 election day registration or primary day registration process shall
91 cease in the municipality in which such elector now seeks to register
92 and such matter shall be reviewed by the registrars of voters in the
93 municipality in which such elector now seeks to register. After
94 completion of such review, if a resolution of the matter [can not]
95 cannot be made, such matter shall be reported to the State Elections
96 Enforcement Commission which shall conduct an investigation of the
97 matter.

98 (B) If there is no such report that such applicant already voted in the
99 other municipality, the registrars of voters of the municipality in which
100 the applicant seeks to register shall admit the applicant as an elector
101 and the privileges of an elector shall attach immediately. On primary
102 day, the registrars of voters shall also enroll the applicant in the
103 political party holding a primary of such applicant's preference and the
104 privileges of party enrollment shall attach immediately.

105 (f) If the applicant is admitted as an elector on election day, or both
106 admitted as an elector and enrolled in a political party holding a
107 primary on primary day, the registrars of voters shall provide the
108 elector with an election day registration or primary day registration
109 ballot and [election day registration] envelope and shall make a record
110 of such issuance. The elector shall complete an affirmation imprinted
111 upon the back of the envelope for an election day registration or

112 primary day registration ballot and shall declare under oath that the
113 applicant has not previously voted in [the] any election or primary
114 held that day. The affirmation shall be in the form substantially as
115 follows and signed by the voter:

116 AFFIRMATION: I, the undersigned, do hereby state, under penalty
117 of false statement, (perjury) that:

118 1. I am the person admitted here as an elector in the town indicated.

119 2. I am eligible to vote in the election or primary indicated for today
120 in the town indicated.

121 3. The information on my voter registration card is correct and
122 complete.

123 4. I reside at the address that I have given to the registrars of voters.

124 5. If previously registered at another location, I have provided such
125 address to the registrars of voters and hereby request cancellation of
126 such prior registration.

127 6. I have not voted in person or by absentee ballot and I will not
128 vote otherwise than by this ballot at this election or primary.

129 7. I completed an application for an election day registration or
130 primary day registration ballot and received an election day
131 registration or primary day registration ballot.

132 (Signature of voter)

133 (g) The elector shall forthwith mark the election day registration or
134 primary day registration ballot in the presence of the registrars of
135 voters in such a manner that the registrars of voters shall not know
136 how [the election day registration] such ballot is marked. The elector
137 shall place [the election day registration] such ballot in the election day
138 registration or primary day registration ballot envelope provided, and
139 deposit such envelope in a secured election day registration or primary
140 day registration ballot depository receptacle. At the time designated by

141 the registrars of voters and noticed to election officials, the registrars of
142 voters shall transport such receptacle containing [the election day
143 registration] such ballots to the area, either district or central, where
144 absentee ballots are counted and such election day registration or
145 primary day registration ballots shall be counted by the election or
146 primary officials present at such location. A section of the head
147 moderator's return shall show the number of election day registration
148 or primary day registration ballots received from electors. The
149 registrars of voters shall seal a copy of the vote tally for [election day
150 registration] such ballots in a depository envelope with [the election
151 day registration] such ballots and store such [election day registration]
152 depository envelope with the other election or primary results
153 materials. [The] Each election day registration or primary day
154 registration depository envelope shall be preserved by the registrars of
155 voters for the period of time required to preserve counted ballots for
156 elections or primaries, as applicable.

157 (h) The provisions of the general statutes and regulations
158 concerning procedures relating to the custody, control and counting of
159 absentee ballots shall apply as nearly as possible, to the custody,
160 control and counting of election day registration and primary day
161 registration ballots under [subsections (a) to (i), inclusive, of] this
162 section.

163 (i) After the acceptance of an election day registration or a primary
164 day registration, the registrars of voters shall forthwith send a
165 registration confirmation notice to the residential address of each
166 applicant who is admitted as an elector on election day, or both
167 admitted as an elector and enrolled in a political party holding a
168 primary on primary day, as applicable, under [subsections (a) to (i),
169 inclusive, of] this section. Such confirmation shall be sent by first class
170 mail with instructions on the envelope that it be returned if not
171 deliverable at the address shown on the envelope. If a confirmation
172 notice is returned undelivered, the registrars shall forthwith take the
173 necessary action in accordance with section 9-35 or 9-43, as applicable,
174 notwithstanding the May first deadline in section 9-35.

175 (j) No person shall solicit in behalf of or in opposition to the
 176 candidacy of another or himself or herself or in behalf of or in
 177 opposition to any question being submitted at the election, or loiter or
 178 peddle or offer any advertising matter, ballot or circular to another
 179 person within a radius of seventy-five feet of any outside entrance in
 180 use as an entry to the registrars' of voters designated location for
 181 election day registration or primary day registration balloting or in any
 182 corridor, passageway or other approach leading from any such outside
 183 entrance to such registrars' of voters designated location or in any
 184 room opening upon any such corridor, passageway or approach.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	9-19j
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Statement of Legislative Commissioners:

In Subsec. (c)(1), "primary day registrations" was changed to "primary day registration applications" for consistency and accuracy; in Subsecs. (e) and (f), after "as an elector", "on election day," was inserted for consistency; in Subsec. (e), "holding a primary, if applicable" was changed to "holding a primary on primary day" for accuracy; in Subsec. (f), after "holding a primary", "on primary day" was inserted for consistency; and in Subsec. (i), after "election day" a comma was inserted and before "primary day" "both admitted as an elector and enrolled in a political party holding a primary on" was inserted for consistency.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Elections Enforcement Commission	GF - Potential Revenue Gain	Less than \$5,000	Less than \$5,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 19 \$	FY 20 \$
Various Municipalities	Potential Cost	See Below	See Below

Explanation

The bill: 1) establishes Primary Day Registration (PDR), allowing eligible individuals to register to vote, enroll in a political party, and cast a ballot on primary day, and 2) extends Election Day Registration (EDR) procedures to PDR. Certain municipalities may incur minimal costs associated with hiring additional staff to handle PDRs. This potential cost will vary depending on the number of individuals who participate in PDR.

The bill also extends the State Elections Enforcement Commission's (SEEC) ability to enforce compliance authority to PDR, including investigating complaints and levying civil penalties. This may result in a minimal revenue gain, estimated at less than \$5,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to additional staffing levels required in municipalities and penalties imposed.

OLR Bill Analysis**sHB 5422*****AN ACT CONCERNING VOTING RIGHTS AND PRIMARY DAY ELECTOR REGISTRATION.*****SUMMARY**

This bill establishes Primary Day Registration (PDR). Principally, it uses existing Election Day Registration (EDR) procedures to allow eligible people to register to vote and cast a ballot on primary day. Under existing law and the bill, “primary day” means the day of a regular state or municipal primary, or a presidential preference primary.

The bill prohibits electors who are already registered, but unaffiliated with a political party, from enrolling with a party and voting under the PDR procedures (see BACKGROUND). Currently, the deadline for registering to vote in a primary is noon the day beforehand (CGS § 9-23a).

By law, the State Elections Enforcement Commission (SEEC) is responsible for enforcing compliance with EDR. The bill extends SEEC’s enforcement authority to PDR, which means that the commission must investigate complaints alleging a PDR violation. It may levy a civil penalty of up to \$2,000 per offense against violators (CGS § 9-7b(a)(2)). In addition, anyone who fraudulently votes or registers under the bill’s provisions is guilty of perjury, which is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

The bill makes several technical and conforming changes.

EFFECTIVE DATE: Upon passage

PDR PROCEDURES AND REQUIREMENTS

The bill extends existing law's EDR procedures to PDR. Generally, the bill:

1. requires registrars of voters to designate a location for completing and processing PDR applications, which must be a place where they can access the statewide centralized voter registration system (CVRS);
2. prohibits the same activities in a PDR location, or within a 75-foot radius of its outside entrance, as the law prohibits in or near a polling place (see BACKGROUND);
3. authorizes registrars to appoint primary officials to serve at PDR locations and delegate to them any of their responsibilities; and
4. permits anyone to register, enroll in a party, and vote in person on primary day if he or she meets the eligibility requirements for voting in this state (see BACKGROUND) and is (a) not already an elector or (b) registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality.

Application Procedures and Identification Requirements

The bill applies existing EDR application procedures and identification (ID) requirements to PRD. Thus, under the bill, people who want to register to vote and cast a ballot on primary day must do so by applying in person at the designated PDR location and declaring under oath that they have not previously voted in the primary. They must complete the voter registration form and provide the same information the law requires from anyone seeking to become an elector in this state. This means they must provide their birth certificate, driver's license, or Social Security card. The bill allows college and university students to instead present a current photo ID issued by their higher education institution.

If an applicant's information does not include proof of residential address, he or she must also submit another form of ID showing the

address. The additional ID may include a motor vehicle learner's permit; utility bill due no later than 30 days after the primary; or, for a college or university student, a current college or university registration or fee statement.

Checking Eligibility

Registrars of voters must check the CVRS before admitting an applicant as an elector under the bill's PDR procedures, just as they must under the law's EDR procedures. If they determine an applicant is qualified to register and has not already voted, they must admit that person and enroll him or her in the political party he or she prefers. The person's electoral privileges attach immediately.

If the registrars determine that the applicant is registered in another municipality but he or she wants to change his or her registration location, they must immediately notify the registrars in the municipality where the applicant is currently registered and request that they remove the elector's name from their official registry list and any enrollment list. The primary officials in that municipality must cross through the elector's name on the list and mark "off" next to it.

If the applicant has already voted in the other municipality, the registrars of that municipality must immediately notify the registrars of the municipality where the elector wants to register. The registrars must deny the applicant a ballot, cease the registration process, and review the matter. If the matter cannot be resolved on review, the registrars must report it to the SEEC for investigation.

Voting Procedures

Just as with EDR, registrars of voters must give a PDR ballot and envelope to an applicant whom they admit as an elector and record its issuance. The elector must (1) declare under oath that he or she did not previously vote in the primary and (2) sign an affirmation that is printed on the back of the security envelope and is substantially similar to the following:

AFFIRMATION: I, the undersigned, do hereby state, under penalty

of false statement, (perjury) that:

1. I am the person admitted here as an elector in the town indicated.
2. I am eligible to vote in the election or primary indicated for today in the town indicated.
3. The information on my voter registration card is correct and complete.
4. I reside at the address that I have given to the registrars of voters.
5. If previously registered at another location, I have provided such address to the registrars of voters and hereby request cancellation of such prior registration.
6. I have not voted in person or by absentee ballot and I will not vote otherwise than by this ballot at this election or primary.
7. I completed an application for an election day registration or primary day registration ballot and received an election day registration or primary day registration ballot.

The newly admitted elector must secretly mark the ballot in the presence of the registrars, place it in the PDR envelope, and deposit the envelope in a secured PDR ballot depository receptacle.

Counting Procedures

Under the bill, the law's procedures relating to the custody, control, and counting of absentee ballots must apply as nearly as possible to the custody, control, and counting of PDR ballots, just as the procedures apply to EDR ballots. Among other things, this means that at the time designated by registrars and noticed to primary officials, registrars must transport the receptacle for ballot counting to the same area (district or central location) where absentee ballots are counted. It also means:

1. the primary officials present at the location count the ballots;
2. a section of the head moderator's return must show the number of PDR ballots cast;
3. the registrars must seal a copy of the PDR vote tally in the depository envelope with the ballots and store the envelope with the other primary results materials; and
4. the registrars must preserve the envelope for 180 days after the primary, the same period of time the law requires other counted ballots to be preserved.

Confirmation Procedures

Registrars of voters must immediately send a registration confirmation notice by first-class mail to the residential address of each PDR applicant they admit, just as they do with EDR applicants. The envelope must have instructions for returning any confirmation notice that cannot be delivered to the address shown. If the confirmation is returned as undelivered, the registrars must take other actions required by law to verify the address. However, they must take these actions immediately and cannot wait until the May 1st deadline that otherwise applies to verifying names on the registry. If the address cannot be verified, registrars must place the elector's name on the inactive list and remove it after four years, unless during this period the elector applies for restoration to the active list or votes.

BACKGROUND***Closed Primaries***

By law, primaries are open to unaffiliated voters only if a political party's rules authorize participation. Current Republican and Democratic state party rules do not allow these voters to participate in their primary elections (CGS § 9-431).

75-Foot Rule

The "75-foot rule" generally prohibits anyone from soliciting support for or opposition to a candidate or a ballot question within a

75-foot radius of the outside entrance to a polling place, in a hallway or other approach leading from the entrance, or in a room opening upon any such hallway or approach, with certain exceptions (e.g., parent-teacher organization bake sales).

Eligibility to Register to Vote

By law, a person is eligible to register and vote if he or she is (1) a U.S. citizen, (2) age 18 or older, and (3) a bona fide resident of the municipality in which he or she applies for admission as an elector. Mentally incompetent people cannot be admitted as electors, and people convicted of a felony and committed to the custody of the commissioner of correction forfeit their electoral rights while incarcerated or on parole.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 9 Nay 8 (03/23/2018)